MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 155 OF 2007

IN

WRIT PETITION NO. 3151 OF 2004

NEPEAN SEA ROAD CITIZEN'S FORUM & ANR. .. PETITIONERS

Vs.

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. G. S. Patel a/w Mr. Kalpesh Joshi i/b M/s. M. Ranchoddas & Co. for petitioners

Mr. Y.R. Mishra for UOI

Mrs. P.A. Purandare for BMC

Mr. C.J. Sawant a/w Mr. V. C. Ghosalkar for applicant in N/M

Mr. R.V. Govilkar for Respondent No. 6

Mr. N.P. Pandit, AGP for Respondent No. 1

CORAM: **SWATANTER KUMAR, C.J.** &
SMT. RANJANA DESAI, J.

DATE: **JULY 12, 2007**.

P.C.

. The learned counsel appearing for the applicant Maharashtra State Road Development Corporation Ltd. states that in view of the order dated 9th July, 2007 passed by the Maharashtra Coastal Zone Management Ltd. and order dated 11th July, 2007

passed by the Competent Authority under Section 5 of the Environmental Protection Act, 1986, he does not press this motion with liberty to take such steps against the impugned orders as may be permissible to him in law.

2. The learned counsel appearing for the petitioner submits that in view of two orders passed now, the applicant cannot be permitted to carry out any construction and as such nothing survives in this petition and, therefore, prayer in the writ petition should be made absolute.

3. Having heard the learned counsel appearing for the parties, we are prepared to grant leave to the applicant to withdraw this motion with liberty to take such steps as are permissible to him in accordance with law.

4. We further make it clear that in view of these two orders, the applicant cannot raise any construction on the site in question and in the event the applicant takes any appropriate steps within one month from today and the court of competent jurisdiction passes any order to the contrary, no construction shall be raised on the

site in question.

5. In the event no steps are taken within one month from today these orders would operate on their own and, we are certain that the authorities concerned would take appropriate steps in accordance with law.

6. The learned counsel for the applicant submits that he would give notice to the petitioners, if any such steps taken in future.

7. The notice of motion and the writ petition both are accordingly disposed of.

8. It is made clear that the disposal of this writ petition would not in any way prejudice the applicant, who is at liberty to challenge the orders.

CHIEF JUSTICE

SMT. RANJANA DESAI, J.